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Supreme Court, U.S.
FILED
NOV 18 1998
OFFICE OF THE CLERK

No 98-6945

(2)

IN THE UNITED STATES SUPREME COURT
FOR THE WASHINGTON D.C.

ORIGINAL

IN RE: MICHAEL KENNEDY - PETITIONER.

VS.

CHIEF JUDGE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND WILLIAM M. STEGER FOR THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION - RESPONDENTS.

MOTION FOR LEAVE TO FILE WRIT AND PETITION FOR EXTRAORDINARY RELIEF FOR HABEAS CORPUS IN FORMA PAUPERIS

I, Michael Kennedy, petitioners States And ASKS Respectfully that the court will grant leave of the court to files petition FOR EXTRAORDINARY WRIT And States that the united States District court for the EASTERN DISTRICT of TEXAS would not ACCept nor file the petitioner WRIT And the Fifth Circuit court of Appeals would not ACCept nor file A ANSWER of the petitioner's pleading. petitioners PRAY that the court ACCept And files this Attached petition in this MATTER for Relief.

RECEIVED
NOV 18 1998
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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OCT 14 1998
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Respectfully Submitted
Michael Kennedy
Michael Kennedy PRO.

21 pgs

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, MICHAEL KENNEDY, am the petitioner in the above-entitled case. In support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

I further swear that the responses I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

1. Are you presently employed? Yes ___ No NO

a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

NONE

b. If the answer is no, state the date of your last employment and the amount of salary or wages per month which you received.

NONE

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other sources? Yes ___ No NO

NONE

a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.

NONE

3. Do you own any cash or have a checking or savings account? Yes ___ No NO

a. If the answer is yes, state the total value of the items owned.

NONE

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing) Yes ___ No NO

NONE

a. If the answer is yes, describe the property and state its approximate value.

NONE

5. List the persons who are dependent upon you for support and state your relationship to those persons.

NONE

I declare under penalty of perjury that the foregoing is true and correct.
Executed on: 10/29/98, 1998

Michael Kennedy
(Signature)

Supreme Court, U.S.
FILED
NOV 18 1998
OFFICE OF THE CLERK

NO. 98-6945

ORIGINAL

IN THE UNITED STATES SUPREME COURT
WASHINGTON D.C.

MICHAEL KENNEDY, Plaintiff
Petitioner,
VS
CHIEF, CIRCUIT JUDGE FOR THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT AND UNITED STATES COURT OF THE EASTERN DISTRICT OF TEXAS, WILLIAM M. STEGER, TYLER DIVISION
APPELLATES
Respondents

PETITION FOR EXTRAORDINARY

RECEIVED
NOV 18 1998
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SUPREME COURT, U.S.

MICHAEL KENNEDY
#433834
HC 67, BOX 115
KENNEDY, TEXAS
78119

98-6945
In Re Michael Kennedy

QUESTION PRESENTED

APPELLATE COURT OF APPEALS Abuse its discretions entering SAnctions without JUSTIFICATION OR REASONS PROVIDING THE PETITIONERS ANY FINDINGS WHY THE FEDERAL COURT SHOULD NOT ACCEPT OR FILE ANY PETITION OF PETITIONER.

QUESTION PRESENTED

APPELLANT/ PETITIONER'S ALLEGING that where the Fifth CIRCUIT COURT OF APPEALS directed And ordered the PETITIONER'S TO PAY SANCTIONS IN THAT COURT BEFORE THE PETITIONER will BE ABLE TO FILE A WRIT OF HABEAS CORPUS IN A LOWER COURT IS UNCONSTITUTIONALLY.

QUESTION PRESENTED

Where A PRISONER ASKS FOR LEAVE OF THE COURT BY permission to file WRIT OF habeas CORPUS ARE any other Relief And Where the Federal Court CLERK still REFUSES to ACCEPT OR File petition without PRESENTING petition to the Court Judge IS UNCONSTITUTIONAL.

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NO. _____

IN THE UNITED STATES SUPREME COUR
WASHINGTON D.C.

MICHAEL KENNEDY, PETITIONER,

V.S.

FIFTH CIRCUIT COURT OF APPEALS,
ET AL.., RESPONDENTS,

PETITION FOR EXTRAORDINARY FOR HABEAS CORPU

TO THE HONORABLE JUSTICES OF THE UNITED STATES SUPREME COURT OF WASHINGTON D.C:

COMES NOW. MICHAEL Kennedy. Petitioner. in the Abovee And entitled numbered OF CAUSE And Requrts FOR leave of this court by permission to File this his Petition FOR EXTRAORDINARY WRIT. And in Hereon And HEREAFTER will Support the Relief AS follows:

I. JURISDICTION

This Court has JURISDICTION over this SUBJECTS And PARTY over the United States Court of APPEALS And the FEDERAL Court PURSUANT to SUPREME COURT Rules 20. 21, 26 And 27.

II. CONSTITUTIONAL STATUTES INVOLVED

FIRST-EIGHTH AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTIONAL TO the united States OF AMERICA.

III. OPINIONS

1. OPINION OF the FEDERAL Court General order is Attached AS Appendix-A to this petition. ENTERED JULY 31, 1996.

2. OPINION OF THE FEDERAL COURT WAS Never Sent to Kennedy, OPINION date unknowned. AND RELIED UPON A decision to deny Kennedy APPEAL OR to FILE any PLEADINGS to Another COURT not to ACCEPT nor FILE any WRIT of petitioner in Kennedy V. McRAE. NO. 92-8594, APPENDIX-A

IV. STATEMENT OF FACTS

On July 31, 1996, Petitioner Filed A Motion FOR leave with the FEDERAL COURT OF the EASTERN DISTRICT OF TEXAS in MISCELLANEOUS NUMBER. 166, THE COURT WILLIAM M. STEGER Denied the Motion BASED UPON the civil ACTION NUMBER 6.94CV504, STATING that the Fifth CIRCUIT COURT OF APPEAL dismissed the APPEAL PURSUANT to AN ORDER that no COURT Shall ACCEPT any new PAPERS FROM Kennedy. The COURT'S STATED that PERMISSION FOR leave to FILE A new Petition MAY not be GRANTED by this COURT'S AUTHORITY to HEAR A SECOND OR SUCCESSIVE Petition FOR WRIT OF HABEAS CORPUS Relying on Section 106 (b) Specifies that Kennedy must obtain

PERMISSION FROM the Fifth CIRCuit before he MAY FILE A New petition in this COURT. The COURT denied petitioner HABEAS CORPUS And leAVE motion on AUGUST 15, 1996, on JULY 23, 1998, plaintiff filed ANother Motion FOR leAVE with the Fifth CIRCuit COURT of APPEALS And the COURT CLERK RETURNED the "petitioneRIS REQUESTS FOR APPointment of COUNSEL to FILE HABEAS CORPUS petition And REQUESTS leAVE OF the COURT to FILE petition FOR CONSIDERATION And FOR REVIEW bx leAVE OF COURT SUCH RELIEF the COURT did not ACT NOR MAKE ANY decision on the petitioneRIS WRIT, THE WRIT WAS RETURNED to petitioneRIS on JULY 27, 1998, petitioneRIS ALLEGES that the Fifth CIRCuit COURT OF APPEALS denied the petitioneRIS their due PROCESS RIGHTS to be helded UPON this MOTION AFTER the petitioneRIS CANNOT obtAin AAY REPLY OR RESPONSES bY the COURTS. The FACTS SUPPORTS that the petitioner CANNOT obtAin ANY RELIEF in the COURT And the FIFTH CIRCUIT COURT HAS IMPOSED UNJUSTIFIED ORDER And SANCTIONS without SUPPORTING AVIOLATION ALREADY. I KNOW this WRIT BECAUSE OF MY WAY OF WRITIN

REASONS FOR NOTING MAKING APPLICATIONS IN THE STATE COURT OR THE UNITED STATES DISTRICT COURT

The petitioners STATES that FIFTH CIRCUIT COURT OF APPEALS has denied the petitioner to file ANY petition/motion/pleadings And the COURTS will Act to deny the petition his RIGHTS to GAIN ACCESS to the COURTS, FIRST, EVERY petition/pleadings the petitioner FILES to the COURT will be denied, FURTHER, petitioner STATES that his due PROCESS RIGHTS to the FIRST Amendment will be - And is denied, SINCE the U.S. DISTRICT COURT will not ACCEPT this petition, BECAUSE OF the ERRONEOUS SUPREME COURT RULING SUPPORT that the petition CONVICTION WAS in fact not based UPON ANY CONSIDERATION, This FIFTH CIRCUIT COURT will not ACCEPT OR FILE ANY petition of petitioner This COURT would have to be the COURT that GRANT RELIEF And TRUTHFULLY, NO other RELIEF can be GRANTED EXCEPT the ISSUANCE of this COURT POWER.

EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS AND WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR FROM ANY OTHER COURT

THE Court should decide How the petitioner could be SANCtioned by the Fifth CIRCuit Court of APPEALS without Reviewing the COURT Opinion. The court of APPEALS did not (EXPRESS) (Shows) (PROVIDERS) OR (SUPPORTS) Why the FEDERAL COURTS did not set FORTH the JUSTIFICATION And REASONS PROVIDING the court Why the RELIEF will not be GRANTED And should not be ACCEPTED by ANY COURTS that have JURISDICTION UNDER the 5th CIRCUIT. FINALLY petitioners ALLEGES that no other RELIEF will be GRANTED because the FIFTH CIRCUIT COURT of APPEALS has ORDERED All COURTS And lower COURTS not to ACCEPT OR FILE ANY PETITION And the COURTS REJECTIONS is unconstitutional And VIOLATES the petitioner's ACCESS to the courts And the EIGHTH Amendment to the UNITED STATES Constitutional. This SUPREME COURT is the only COURT CAN GRANT RELIEF due to FIFTH CIRCUIT COURT ORDER

REASONS GRANTING THE WRIT

The APPELLATE COURT of APPEALS did not MAKE NOR ALLEGES ANY JUSTIFICATION OR REASONS PROVIDING the petitioners ANY FINDINGS why the FEDERAL COURT should not ACCEPT OR FILE ANY PETITION OF PETITIONER

[1]. PETITIONERS ASSERTS that the FIFTH CIRCUIT COURT OF APPEALS ABUSED its DISCRETION And denied the petitioners his due PROCESS RIGHTS to the ACCESS to the COURTS. in that. PETITIONERS POINTS out that WHERE the FIFTH CIRCUIT COURT OF APPEALS did not MAKE ANY DECISION NOR PROVIDE ANY JUSTIFICATION SANCTION the PETITIONER FOR FILING A MISCELLANEOUS Motion to the COURT in KENNEDY V. SCOTT, No. 6:94-CV-504, FIRST, PETITIONERS ALLEGES that BECAUSE FIFTH CIRCUIT COURT had NO REASONS to ORDER And DIRECT the COURT'S not to ACCEPT OR FILE ANY HABEAS CORPUS PETITION OR ANY OTHER PETITION WAS without FACTUAL Finding OF FACTS 'Why" OR "what FOR" that the FEDERAL COURT should not ACCEPT OR FILE ANY PETITIONER when ANY VIOLATIONS WAS STABLE U.S.C.A. CONSTS. AMENDS. 1, 8 And 14.

QUESTION PRESENTED
REASONS FOR GRANTING THE WRIT

THE APPELLATE COURT ORDERED the LOWER COURT'S NOT to ACCEPT OR FILE ANY PETITION until SAID SANCTIONS IS PAID IS UNCONSTITUTIONAL ACCEPTING A COURT ORDER WITHOUT STATING FACTUAL FINDINGS that the PRISONERS CLEARLY ABUSED COURT'S STANDARD AND SUPPORTING SUCH DECISION UPON SUCH FINDINGS WITH DOCUMENTARY EVIDENCE OF the PETITIONER'S ALLEGED VIOLATIONS

[2] PETITIONERS MAINTAINS that the STATE OF TEXAS GENERAL ORDER NUMBER 94-6, IS ALL UNCONSTITUTIONALLY AND VIOLATES the PRISONERS RIGHTS. FIRST. PETITIONERS ALLEGES that the FIFTH CIRCUIT AND the STATE OF TEXAS COURT APPLYING GENERAL ORDER NUMBER 94-6, DOES VIOLATES the PETITIONERS ACCESS to the COURT without DUE PROCESS RIGHTS to be HEARD on the PETITION AND the RIGHTS to OBJECTS to SUCH GENERAL ORDER NO. 94-6, PETITIONER'S HAS NO RIGHTS to be HEARD to FILE LEAVE OF the COURTS NOR ANY OTHER REMEDY to CORRECT ANY MIS ERROR OR ANY UNJUSTIFIED ERROR'S OF the CLERK RETURNING the PETITIONERS PLEADINGS BACK without ANY DECISION FROM the COURT OR the COURT'S ERRED. U.S. C.A. CONSTS. AMENDS. 1, 8 AND 14

REASONS FOR GRANTING THE WRIT

PRISONER'S ASKING FOR LEAVE OF the COURT by PERMISSION to FILE WRIT of HABEAS CORPUS ARE other RELIEF AND PETITION to the COURT AND COURT CLERK REJECTS PETITION PLEADINGS without PRESENTING PETITION to the COURT FOR REVIEW IS UNCONSTITUTIONAL because PETITIONER NEVER HAD A RIGHT to PROTEST OR to be HEARD AND A DEFENSES to OBJECT to CLERK ACTION.

[3] PETITIONER'S ALLEGES because the FEDERAL COURT CLERK ENACTED GENERAL ORDER NUMBER. 94-6, AND APPLYING SUCH RULES OR COURT STANDARD WAS without DUE PROCESS RIGHTS to ACCESS to the COURT AND the RIGHTS to PROTEST AND REJECTION to the CLERK COURT APPLYING GENERAL ORDER NO# 94-6, in that, AND HERE PETITIONERS ALLEGES that he HAVE PAID ALL SANCTIONED in FEDERAL COURT'S AND the STANDARD the COURT CLERK HAS IMPOSED SUCH CASE NUMBERS which the COURT CLERK BASED its DISCRETIONARY OF RETURNING the PETITIONER'S CASES WAS UNCONSTITUTIONALLY AND in VIOLATIONS to PETITIONERS RIGHTS to be HEARD on SUCH MATTER AND A RIGHTS to OBJECTS AND PROTEST ANY ERRONEOUS FINDINGS OF the COURTS. FINALLY, PETITIONER CONTENDS HOW CAN it be UNCONTEST IF the CLERK OF the COURT will not ACCEPT OR FILE ANY petition OR PLEADINGS OF the PRISONERS to CORRECT ANY ERRORS OR MISTAKES that

WAS entered by the Court. in that, since General order number 94-6. does not only Reflict the CASE's that Alleged that Petitioners WAS Sanctioned but Alleges All, CASES that the Petitioner's owe SANCtioned. Constitute's that the Lower Court's ARE Abusing their discretions to deny and deprive the petitioneris his due Process Rights to Adequately And effectively Access to the Court to Correct Any errors or Mistakes made by the Courts. Petitioners Contends that he owe no SAnctioned in Court's And the Federal Court's disAllowing the Petitioner's to be heard or protest any errors ARE unConstitutionally And violates the ~~first~~ through the Fourteenth AMendment to the United States Constitutional. U.S.C. A. Consts. Amends 1, 8, 14. petitioners Alleges because General orders is Applied to the Court Clerk's Authorities does deprive the petitioner's his due process Rights to be heard on such erroneously Findings of the Court Clerk Actions not Filing or Accepting the Petitioner's Pleadings to File leave of the Court to obtain Counsel where the petitioner's can show that he could support habeas corpus relief based upon newly discovered evidence.

REASONS WHY NO OTHER ADEQUATE RELIEF CANNOT BE GRANTED BY ANY OTHER COURT AND THE ONLY RELIEF MUST BE GRANTED BY THIS COURT

The Federal Court's of TEXAS For the united States District court will not ACCept nor file Any Pleadings of this Petitioner, PURSUant to FEderal Court unconstitutional General order Number 94-6, The Federal Court of Appeals For the Fifth CirCuit Court will not ACCept OR file Any petition to the Court's nor will the court of APPEALS ACCept nor File Any pleadings DRAFted by this Petition, See Fifth CirCuit Court of APPEALS order in Kennedy US. Scott, NO. 93-4837 C5th Cir. 1993); And Kennedy VS. MORALES, NO. 93-8594 C5th C.r. 1993); because the other Court will not Review nor even Considered the petitioner's Pleadings there is no other Remedies that the petitioner's can Act nor gain Relief And the petitioner points out that his due PROCESS Rights to Protest this Court's decision is by the united States Supreme Court Review.

RELIEF SOUGHT

For the reasons and Advanced Aboved And hereon the petitioners asks leave of the courts to accept and file this petition And the petitioner's Requests that this court grant the petition for habeas corpus Relie And Remove Away such Rules And order of the Federal courts standard. It is also upon petitioner contentions being denied to petition to the courts without leave of the court be helded unconstitutionally And should be Removed from court order 94-6 From the texas courts of the united States District courts for the federal courts.

Respectfully Submitted
Michael Kennedy
#433834
Rt 1, Box 150
Tenn. Colony, TX 75884

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EOD 8.19.96

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
AUG 19 1996
DAVID J. MALAND, CLERK
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

IN RE §
§ MISCELLANEOUS NO. 1166
MICHAEL KENNEDY §

ORDER

Petitioner Michael Kennedy has filed a motion seeking leave to file a petition for a writ of habeas corpus. The motion was filed on July 31, 1996. Kennedy is well known to this Court. Four previous petitions for a writ of habeas corpus concerning his conviction were dismissed with prejudice: Civil Action Numbers 6:89cv57, 6:90cv557, 6:92cv348 and 6:94cv504. On the appeal in *Kennedy v. Director*, Civil Action Number 6:92cv348, the Fifth Circuit sanctioned Kennedy $1,500. On the appeal in *Kennedy v. Director*, Civil Action Number 6:94cv504, the Fifth Circuit dismissed the appeal pursuant to an order that no court shall accept any new papers from him. Nonetheless, Kennedy is trying to file yet another petition for a writ of habeas corpus. Permission for leave to file a new petition may not be granted by this Court. Congress recently passed the Antiterrorism and Effective Death Penalty Act, which limits this Court's authority to hear a second or successive petition for a writ of habeas corpus. Section 106(b) specifies that Kennedy must obtain permission from the Fifth Circuit before he may file a new petition in this Court. It is therefore

ORDERED that the motion for leave to file a petition for a writ of habeas corpus is **DENIED**.

SIGNED this 14th day of August, 1996.

Mld 8.19.96 to:
Pla Kennedy

William M. Steger
WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE

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General Order No. 94-1

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TE
FEB 3 1994
DAVID J. MALAND, CLERK
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

GENERAL ORDER

It has been brought to the attention of the Court that sanctions are routinely imposed against inmates confined in the Texas prison system and that the inmates are frequently able to avoid the effect of the sanctions when they are transferred to units under the jurisdiction of a different district court. To fully enforce the sanctions, particularly preclusion orders, each district court in Texas should honor the sanctions imposed by a sister district.

Acting by consent of the judges of this Court, it is ORDERED, effective immediately, that the Eastern District of Texas will honor the sanctions imposed by another federal district court in this State. Preclusion orders entered in another district court will be enforced in this district according to the terms specified in the order. Similarly, orders prohibiting the filing of any new pleadings until monetary sanctions are paid will be honored according to the terms specified in the order. This Court will duly observe and enforce any and all sanctions imposed by another United States District Court in Texas involving inmates who file pleadings in this district.

SIGNED this 2nd day of February, 1994, on behalf of the Court.

Chief Judge

Appendix - A

DECLARATION OF AFFIDAVIT OF PROOF OF SERVICE

I, MICHAEL Kennedy, petitioner, hereby certify that A true And correct copy of the following documents And petition for EXTRARDINARY writ is being served upon each party of records under Supreme Court Rule 29.02 to the following Respondents Addresses below on this 27 day of July, 1998,

To; U.S. Court of Appeals,
Chief Judge for 5th circuit,
600 Camp Street,
New Orleans, LA 70103

To; Chief Judge William M. Steger,
U.S. District Court
Eastern District of Texas
211 W. Ferguson Street, Room 306
Tyler, Texas 75702

To: Solicitary General
Washington D.C. 2054

Michael Kennedy

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